

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:14-CR-087-KJD-(CWH)
)
KENNETH JOHN MCCABE,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on April 7, 2015, defendant KENNETH JOHN MCCABE pled guilty to a One-Count Criminal Indictment charging him with Receipt of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(2). Criminal Indictment, ECF No. 1; Change of Plea Minutes, ECF No. 38; Plea Agreement, ECF No. 37.

This Court finds defendant KENNETH JOHN MCCABE agreed to the forfeiture of the property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Bill of Particulars, ECF No. 34; Change of Plea Minutes, ECF No. 38; Plea Agreement, ECF No. 37.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant KENNETH JOHN MCCABE pled guilty.

...

1 The following assets are (1) any visual depiction described in Title 18, United States Code,
 2 Section 2252A(a)(2) or any book, magazine, periodical, film, videotape, or other matter which
 3 contains any such visual depiction, which was produced, transported, mailed, shipped, or received in
 4 violation of Title 18, United States Code, Section 2252A(a)(2), or (2) any property, real or personal,
 5 used or intended to be used to commit or to promote the commission of Title 18, United States Code,
 6 Section 2252A(a)(2) or any property traceable to such property and are subject to forfeiture pursuant
 7 to Title 18, United States Code, Section 2253(a)(1) and (a)(3):

- 8 1. One (1) generic computer tower Serial #20499335003;
- 9 2. One (1) Samsung 2TB SATA hard-drive Model HD204UI Serial
 10 #S2H7J90B812791;
- 11 3. One (1) Dell Computer tower Model Dimension 3100 Serial #G77CQ91;
- 12 4. One (1) Western Digital 1TB SATA hard-drive Model WD10EADS Serial
 13 #WCAU48425755; and
- 14 5. any book, magazine, periodical, film, videotape, or other matter which contains any
 15 such visual depiction, which was produced, transported, mailed, shipped, or
 16 received in violation of Title 18, United States Code, Section 2252A(a)(2) and any
 17 property, real or personal, used or intended to be used to commit or to promote the
 18 commission of such offense or any property traceable to such property
 19 (all of which constitutes "property").

20 This Court finds the United States of America is now entitled to, and should, reduce the
 21 aforementioned property to the possession of the United States of America.

22 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
 23 United States of America should seize the aforementioned property.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
 25 KENNETH JOHN MCCABE in the aforementioned property is forfeited and is vested in the United

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1 States of America and shall be safely held by the United States of America until further order of the
2 Court.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
4 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
5 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
6 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
7 name and contact information for the government attorney to be served with the petition, pursuant to
8 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
10 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
11 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
12 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
13 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
14 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
15 petition and the relief sought.

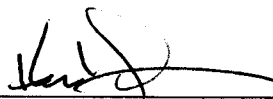
16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
17 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
18 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
19 after the first day of the publication on the official internet government forfeiture site,
20 www.forfeiture.gov.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
22 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
23 following address at the time of filing:

24 Michael A. Humphreys
25 Assistant United States Attorney
26 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 property.

5 DATED this 7th day of April, 2015.

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9 UNITED STATES DISTRICT JUDGE
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